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PATENT DEPARTMENT  
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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/761,162

Applicant(s)

ARNOLD ET AL.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,8-13,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13 is/are allowed.
- 6) ☒ Claim(s) 2,8,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motion stop 80 extending further into the recess of the fastener than the depressed portion extends into the recess (claim 11, lines 14-16) must be shown or the feature canceled from the claim. No new matter should be entered. According to Figure 3, the depression terminates at the same level where the motion stop 80 starts. Note that the motion stop 80 is not bent downward relative to the depression to indicate that the stop 80 is further "into" the recess than the depressed portion 60.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

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sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 8, 17, and 18 are objected to because of the following informalities:

regarding claim 8, "the first position" in line 6 lacks proper antecedent basis and should be --a first position--. Note that the claim has basis for "a free position" and "a locked position" in line 5. Further, "a locked position" in line 9 should be --the locked position-- recited in line 5;

regarding claims 8 and 17, "each" in claim 8, line 14, and claim 17, line 17, should be deleted, and "or" in claim 8, line 15, and claim 17, line 18, should be --and--. Note that leaving "or" makes the relationship in the alternative rather at the same time;

regarding claim 17, "faster" in line 5 should be --fastener--, and "the first position" in lines 7-8 lacks proper antecedent basis and should be --a first position--. Note that the claim has basis for "a free position" and "a locked position" in lines 5 and 6; and,

regarding claim 18, the first occurrence of "a" should be --is--. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 102***

Claims 2, 8, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al., 43,42,166.

Regarding claim 8, Johnson et al. disclose, in Figures 3, a combination of a fastener **27** and a quick connect anchor. The anchor comprises a plate **22** and a resilient blocking member **26**. The plate **22** has a first side **A1** (see marked-up attachment provided in the last Office action), a second side **A2**, and a fastener opening (hidden in Figure 3; however, shown in Figure 1, see hole 15). The plate **22** is configured to be placed over the fastener **27**, and configured to be moved in a first direction from a free position to a locked position. The configuration to be moved in a first direction from a free position to a locked position. The resilient block member **26** is movable with the plate from a first position, in a which the resilient member is free from the fastener. The resilient blocking member **26** includes a first leg **A3** and a second leg **A3**. The first leg **A3** is secured to the first side **A1** and the second leg **A3** is secured to the second side **A2**. The resilient blocking member **26** further includes a resilient bridge **A5** spanning a distance between the first leg **A3** and the second leg **A3**, and extending

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over a portion of the first member **22**. The portion having the fastener opening. The first leg and the second leg **A3** are respectively received in a snap-fit manner upon the first side and the second side. The first leg and the second leg terminate in a hook (see Figure 1 to see the hook) received within a recess **A7** of each of the plate sides **A1,A2**.

Regarding claim 2, the combination further includes a stop (the head of the pin).

Regarding claim 17, Johnson et al. disclose, in Figures 3, a combination of a fastener **27** and a quick connect anchor. The anchor comprises a first member **22** and a resilient blocking member **26**. The first member **22** has a first side **A1**, a second side **A2**, and a fastener opening (hidden in Figure 3; however, shown in Figure 1, see hole 15). The first member **22** is configured to be placed over the fastener **27**, and configured to be moved in a first direction from a free position to a locked position. The configuration to be moved in a first direction from a free position to a locked position. The resilient block member **26** is movable with the first member from a first position, in a which the resilient member is free from the fastener. The resilient blocking member **26** includes a first leg **A3** and a second leg **A3**. The first leg **A3** is secured to the first side **A1** and the second leg **A3** is secured to the second side **A2**. The resilient blocking member **26** further includes a resilient bridge **A5** spanning a distance between the first leg **A3** and the second leg **A3**, and extending over a portion of the first member **22**. The portion having the fastener opening. The first leg and the second leg **A3** are each respectively received in a snap-fit manner upon the first side and the second side. The

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first leg and the second leg terminate in a hook (see Figure 1 to see the hook) received within a recess **A7** of each of the first member sides **A1,A2**.

Regarding claim 18, a width dimension of the recess is slightly larger than a corresponding size of each leg. Note that this feature is inherent otherwise the leg will not fit in the recess if the recess is smaller than that of the leg.

***Allowable Subject Matter***

Claims 3, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 3, the prior art of record does not disclose or suggest a combination of a fastener and a quick connect anchor, comprising a motion stop being formed from a portion of a resilient blocking member; the closest prior art, Johnson et al., 4,342,166, teach a motion stop being the head of a pin; there is no motivation to

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make the resilient blocking member include a motion stop formed from a portion of the blocking member;

regarding claim 9, the prior art of record does not disclose or suggest a combination of a fastener and a quick connect anchor, comprising a fastener opening includes a large diameter portion and a small diameter portion; the closest prior art, Johnson et al., 4,342,166, teach a fastener opening including one portion and thus a second portion is not required;

regarding claim 10, the prior art of record does not disclose or suggest a combination of a fastener and a quick connect anchor, comprising a fastener includes a head having a recess in a top surface in combination with a resilient bridge includes a center portion having a depression configured to be snapped into the recess of the head; the closest prior art, Johnson et al., 4,342,166, teach a fastener includes a head which would have been obvious to add a recess to the head; however, Johnson et al. fails to disclose the depression at a center portion of the resilient bridge. There's no motivation to make the combination of features as the pin acts as a depression;

regarding claim 11, the prior art of record fails to disclose or suggest a quick connect anchor, in combination with a fastener, comprising a motion stop extending from a depressed portion in a center portion of a bridge, extending further into a recess of a head of a fastener than the depressed portion extends into the recess of the head of the fastener (lines 14-16);

regarding claim 12, the prior art of record fails to disclose or suggest a quick connect anchor, in combination with a fastener, comprising a center portion of a bridge



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of a resilient blocking member, being one-half of a circle having a rear edge positioned opposite a first direction (lines 21-22); the closest prior art, Pelz, 5,051,021, teaches a one-half of a cylinder and no rear edge to retain the fastener; and,

regarding claim 13, this claim depends from claim 12.

### ***Response to Arguments***

Applicants' arguments filed April 6, 2007 have been fully considered but they are not persuasive.

Applicants argue that claim 8 requires "the plate configured to be placed over the fastener", the blocking member is "free from the fastener" at least when in the "first position" and when in the engaged position is "in engagement with a portion of the fastener" and thus not shown by Johnson. In response, it should be noted that patentability is based on the structural recitations not what the device does or how the device operates. Regarding the configuration, what structure corresponds to this configuration? The claim has not set forth this configuration and one cannot assume that the features described in the specification are in the claim. The limitation is too broad and does not set forth any details of the plate. The claim merely requires a plate and any plate will satisfy the claimed plate as long the plate has a fastener opening as required in line 3. Given that the prior art possesses such plate as claimed, the functional limitations present will be inherently performed as argued.

With regards to the positions of the blocking member, it should be noted that positions do not define patentability. In particular, the limitation "when in the first position" merely provides a conditional statement that does not define structure. The examiner sees this argument relating to the operation of the device rather than what structure is missing from the claim and not anticipated by the references. Note that the arguments would have been persuasive to methods of using the claimed invention, since Johnson fails to show the operation as argued.

Applicants further argue that the spring 26 of Johnson is not positioned over his pin 27. In response, it should be noted that the rejected claim does not set forth "said resilient block member being over the fastener". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regards to claim 17, the invention defined in this claim is also shown in Johnson. See response to arguments of claim 8, as the response equally applies.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

June 15, 2007



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